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E-FILED - 8/12/09

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
GREGORY JOHN FRANCO,)
Defendant.)

No. CR 08-00871 RMW

STIPULATION AND []
ORDER RESCHEDULING SENTENCING
HEARING FROM AUGUST 17, 2009 TO
SEPTEMBER 28, 2009

The defendant's sentencing hearing is currently scheduled for August 17, 2009, at 9:00 a.m. Today defense counsel provided the government with additional information on several matters raised in the pre-sentence report and requested the government further consider and investigate this information prior to filing its final sentencing memorandum, and the government believes this request is reasonable under the circumstances. The parties recognize that this is not the first time the defendant's sentencing hearing has been continued, and are mindful of continued delay. However, the parties believe that this additional time would helpful, and therefore request that the defendant's sentencing hearing be rescheduled to September 28, 2009, at 9:00 a.m. The

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1 Probation Officer assigned to this matter is available at the requested date and time, and has no
2 objection to the proposed rescheduling.

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4 DATED: August 11, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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7 /S/
GRANT P. FONDO
Assistant United States Attorney

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SAM J. POLVERINO
Counsel for Defendant Gregory J. Franco

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the defendant's August 17, 2009 sentencing hearing be rescheduled for September 28, 2009.

IT IS SO ORDERED.

DATED: 8/12/09



RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE